

REMARKS

In the Office action, the Examiner determined that the claimed invention lacks unity, and has required applicant to elect a single species or invention for prosecution on the merits. The identified inventions are identified as Group I, claims 1-20; and, Group II, claims 21-25.

In response to the requirement, applicants elect Group I, claims 1-20, with traverse.

Initially, it is noted that the "unity" of the claims was implicitly acknowledged during the international phase. Accordingly, it is submitted that under Article 27 of the PCT and 37 CFR 1.475, the USPTO cannot now properly require restriction. The Examiner is asked to reconsider and withdraw the pending restriction requirement.

According to PCT Rules 13.01 and 13.2, the unity requirement is met if a group of inventions is linked so as to form a general inventive concept – i.e., that there is a technical relationship among the inventions. The inventions have to share one or more of the same or corresponding special technical features. The expression "special technical features" means those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

With reference to the present application, it is noted that claim 21 depends from claim 1 and, accordingly, contains all of the "special technical features" of claim 1. Accordingly, claim 21 inherently defines the same general inventive concept as claim 1.

Furthermore, the Examiner's attention is directed toward 37 CFR 1.475:

b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

- (1) A product and a process specially adapted for the manufacture of said product; or
- (2) A product and process of use of said product; or
- (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
- (4) A process and an apparatus or means specifically designed for carrying out the said process; or

(5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

It is respectfully submitted that claims 1 and 21 are related as either a product and process specially adapted for the manufacture of the product or as a process and an apparatus or means specifically designed for carrying out the said process. In light of the foregoing, reconsideration and withdrawal of the unity of invention objections is requested.

The Examiner has also objected to claims 21-25 as being improper. It is believed that the Examiner is objecting to the apparatus claims (21-25) depending from the method claims (1). While this is somewhat unconventional in U.S. practice, it is still a proper claiming technique. Accordingly, the Examiner is asked to withdraw his objections to the structure of claims 21-25. Alternatively, the Examiner is asked to provide some authority in support of the proposition that it is improper to have an apparatus claim depend from a method claim.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. LUS-12520.

Respectfully submitted,

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